

DECLARATION - USA PATENT APPLICATION

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I, a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled COMPOSITION BUILDING MATERIAL; the specification of which was filed on **October 9, 2001** as Application Serial No. **09/973,844**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/239,155

Filing Date: October 10, 2000

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Harvey Dale DeFord**

Inventor's signature Harvey Dale DeFord

Date December 7, 2001

Residence: **6844 Nevada Court, Rancho Cucamonga, CA 91701**

Citizenship: **USA**

Post Office Address: **Same as above**

Full name of second inventor: **James A. Gleeson**

Inventor's signature 

Date December 10th, 2001

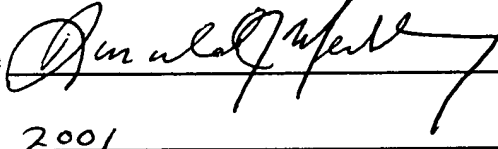
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Residence: **11 Blackwood Road, North Curl Curl, NSW 2099, Australia**

Citizenship: **Australian**

Post Office Address: **Same as above**

Full name of third inventor: **Donald J. Merkley**

Inventor's signature 

Date Dec 7, 2001

Residence: **5054 Klusman Avenue, Alta Loma, CA 91737**

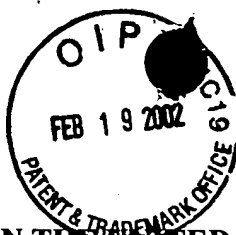
Citizenship: **USA**

Post Office Address: **Same as above**

Send Correspondence To:
KNOBBE, MARTENS, OLSON & BEAR, LLP
Customer No. 20,995

#3

HARD1.003A



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Harvey Dale DeFord et al.)
App. No. : 09/973,844)
Filed : October 9, 2001)
For : COMPOSITE BUILDING MATERIAL)
Examiner : Unknown)

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ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 620 Newport Center Drive, Sixteenth Floor, Newport Beach, California 92660, Telephone (949) 760-0404, **Customer No. 20,995**, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and

App. No. : 09,844
Filed : October 9, 2001

Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

JAMES HARDIE RESEARCH PTY LTD

Dated: Dec 14, 2001

By: [Signature]

Print Name: Donald J. Mackay

Title: Director

Address: Level 1, Research and Product
Development Building,
10 Colquhoun Street
Rosehill, NSW 2142 AUSTRALIA

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Client Code: HARD1.003A
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ASSIGNMENT

WHEREAS, We, Harvey Dale DeFord, a United States citizen, residing at 6844 Nevada Court, Rancho Cucamonga, CA 91701, James A. Gleeson, an Australian citizen, residing at 11 Blackwood Road, North Curl Curl, NSW 2099, Australia, and Donald J. Merkley, a United States citizen, residing at 5054 Klusman Avenue, Alta Loma, CA 91737, have invented certain new and useful improvements in a COMPOSITION BUILDING MATERIAL for which we have filed an application for Letters Patent in the United States, Application No. 09/973,844, filed on October 9, 2001;

AND WHEREAS, JAMES HARDIE RESEARCH PTY LIMITED (hereinafter "ASSIGNEE"), an Australian Corporation, with its principal place of business at Level 1, Research and Product Development Building, 10 Colquhoun Street, Rosehill, NSW 2142 Australia, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in return for good and valuable consideration, the receipt of which is hereby acknowledged, ASSIGNORS hereby acknowledges that it has sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and ASSIGNORS hereby authorizes and requests the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND ASSIGNORS covenants and agrees that it will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 1st day of December, 2001

Harvey Dale DeFord
Harvey Dale DeFord

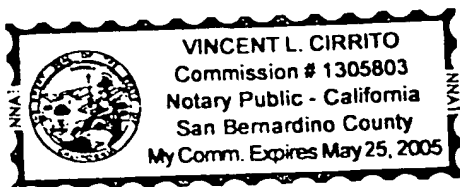
STATE OF
CALIFORNIA
COUNTY OF
SAN BERNARDINO

ss.

On 12/7/01, before me, VINCENT L CIRRITO, personally appeared Harvey Dale DeFord personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

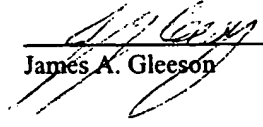
WITNESS my hand and official seal.

[SEAL]



Vincent L Cirrito
Notary Signature

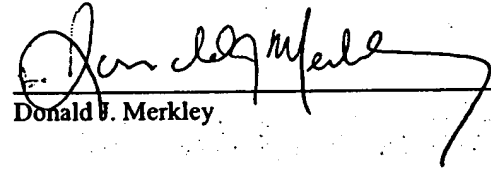
IN TESTIMONY WHEREOF, ASSIGNORS intending to be legally bound has hereunto affixed its signature.


James A. Gleeson

Witness: 

Witness: 

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 7 day of Dec, 2001


Donald J. Merkley

STATE OF
CALIFORNIA

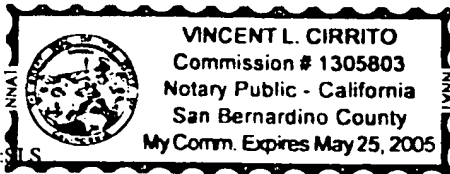
COUNTY OF
SAN BERNARDINO

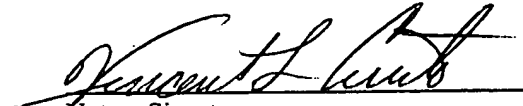
ss.

On 12/7/01, before me, VINCENT L CIRRITO, personally appeared Donald J. Merkley personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]




Notary Signature

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